

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 3773  
OFFERED BY M \_\_\_\_.**

At the appropriate place in the bill insert the following new section:

**1 SEC. \_\_\_\_ . LIABILITY DEFENSE.**

2 (a) IN GENERAL.—Notwithstanding any other law,  
3 and in addition to the immunities, privileges, and defenses  
4 provided by any other provision of law, no action shall lie  
5 or be maintained in any court, and no penalty, sanction,  
6 or other form of remedy or relief shall be imposed by any  
7 court or any other body, against any person for the alleged  
8 provision to an element of the intelligence community of  
9 any information (including records or other information  
10 pertaining to a customer), facilities, or any other form of  
11 assistance, during the period of time beginning on Sep-  
12 tember 11, 2001, and ending on the effective date of this  
13 Act, in connection with any alleged classified communica-  
14 tions intelligence activity that the Attorney General or a  
15 designee of the Attorney General certifies, in a manner  
16 consistent with the protection of State secrets, is, was,  
17 would be, or would have been intended to protect the  
18 United States from a terrorist attack. This section shall

1 apply to all actions, claims, or proceedings pending on or  
2 after the effective date of this Act.

3 (b) JURISDICTION.—Any action or claim referred to  
4 in subsection (a) that is brought in a State court shall  
5 be deemed to arise under the Constitution and laws of the  
6 United States and shall be removable pursuant to section  
7 1441 of title 28, United States Code.

8 (c) DEFINITIONS.—In this section:

9 (1) INTELLIGENCE COMMUNITY.—The term  
10 “intelligence community” has the meaning given the  
11 term in section 3(4) of the National Security Act of  
12 1947 (50 U.S.C. 401a(4)).

13 (2) PERSON.—The term “person” has the  
14 meaning given the term in section 2510(6) of title  
15 18, United States Code.